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ABSTRACT

Ethical concerns related to faculty consulting and other professional activities for supplemental pay are discussed. Some groups, like students and taxpayers, may find it difficult to view outside professional activities of faculty members in the context of public service and professional development. Universities employing academic professionals are beginning to recognize problems with a role definition for faculty that includes provision of tenured job security yet little stipulation of what a full-time appointment really entails. Many problems relating to consulting and other outside activities stem from the fact that it is difficult, if not impossible, for faculty to earn supplemental income without using university resources in some way. These include: faculty time, university supplies and materials, campus facilities, and the use of the university's name. Although outside professional activities are not inherently detrimental to higher education, conflicts are common in terms of how faculty incorporate outside commitments within their overall professional activities. Two hypothetical cases in which ethical problems are involved are presented. The cases raise two major issues important to a discussion of ethics in outside professional activities: intellectual bias and conflicts of interest with respect to time usage. The Ethical and Economic Issues Project at the University of Southern California is cited. (SW)

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ETHICS IN CONSULTING AND OUTSIDE PROFESSIONAL ACTIVITIES

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Universities have long permitted and even encouraged faculty to make arrangements for external employment in their areas of specialization. Such "real world" applications of academic expertise have been viewed as beneficial not only to the outside recipient but also to the faculty member whose experience and competence might be enhanced. Until recently the arrangements were viewed as clearly beneficial to the university as well. Such activity was believed not only to have contributed to the fulfillment of the university's mission in the realm of public service but also to have served in offsetting faculty salaries acknowledged to be below a competitive level.

All of these benefits may still be valid results of consulting and other outside activities. However, it is clear that the value of academic expertise provided on a fee-for-service basis is today viewed with some skepticism and the motives behind such activities are being questioned. The reasons for an attitudinal shift on the parts of the public, elected government officials, and university administrators may be traced to a complicated range of social developments. Admittedly, many of these may have had little to do with the behavior of most faculty, and the mistrust of these constituencies is perhaps not entirely warranted. However, it must also be said that faculty have, following the rapid growth in support for higher education in the 1960's, emerged in the public eye as no longer the underpaid scholars whose commitments to academe are made with some measure of personal sacrifice.

Today's academician is seen as a much more sophisticated professional. Leaders from a variety of business and political arenas depend upon academic talents to contribute to a wide range of decisions that affect society. Frequently this academic expertise is the most advanced knowledge currently available for application to societal needs.

In this context, it appears that the public sees the academician much as it sees the physician. Academic skills are needed by a society which relies heavily upon the application of scientific knowledge. However, as in the case of the physician, society has become dubious that the academic professional can act in the best interests of the clientele served when no monitoring of professional activity is influenced by that clientele. For the academician, the clientele served may be a number of groups of people. One set of clients is obviously students who may feel that a faculty member's outside activities take too much time from regular teaching or other university responsibilities. Another clientele is composed of general taxpayers who may feel that--in the case of the public universities--they contribute to a full-time salary for professors, yet they realize that faculty can and do earn additional income for time spent working as consultants for industry or government agencies, running their own professionally-related businesses, or teaching elsewhere. These clients are beginning to evidence their dissatisfaction with such arrangements in part through their unwillingness to maintain as high a level of public support for universities. (This reaction is hardly less relevant for the large private universities

whose financial stability is largely dependent on public funds and tax laws.) From the perspective of these clients, it is probably difficult to view such outside professional activities in the context of public service and professional development.

From another perspective, universities employing academic professionals are beginning to recognize problems with a role definition for faculty that includes provision of tenured job security yet little stipulation of what a full-time appointment really entails. Responses to a recent survey of graduate deans at all research and Doctorate-Granting universities reveal that universities generally perceive their faculty members as having a range of professional opportunities external to the university. (Carnegie, 1976) It is clear from policy language that most are concerned that these outside activities might infringe on academic responsibilities. Policies for consulting and/or conflict-of-interest have been developed by 92 of the 95 responding universities. Policy analysis showed that areas most frequently covered (included in 65% of the policies) were (1) requirements for university approval of outside activity, (2) limitation of outside activity to some portion of total workload, and (3) stipulation that the activity must not interfere with other duties. Other concerns, cited in about a third of the policies, were that faculty (1) must make annual disclosures of income from outside activities, (2) may not use university facilities for outside work, (3) may only engage in outside work which adds to their professional abilities, and (4) may not teach for another university. Clearly, at least some universities are sensitive to the problems created by a role definition for academics that has allowed and even encouraged faculty to engage in outside professional activities. It may be observed that these activities compete not only for time the university believes is included within the university's expectation of a "full-time" appointment but also that they compete with or benefit from existing university programs.

The increasing demand for academic expertise creates a multitude of opportunities for ethical problems to arise. Most of these problems relating to consulting and other outside activities stem from the fact that it is difficult, if not impossible, for faculty to earn supplemental income without using university resources in some way. These resources are frequently cited in university policies whose purpose is to regulate faculty consulting. They include: faculty time, university supplies and materials, campus facilities, and use of the university's name. While cases involving the blatant use of the more measurable of these resources may readily fit our concept of unethical behavior, the cases in which ethical dilemmas arise in a more subtle way are important for us to examine because sweeping policies will undoubtedly be developed to remedy these situations. In the form these policies are likely to take, they are as unlikely to achieve their desired effect as they are likely to be developed unless faculty members perceive these situations within an ethical context and realize the importance of renewing some of the traditional ideals of the academic profession.

In addition to the need for increased faculty awareness of ethical problems, universities and external funding bodies must remember that outside professional activities are not inherently detrimental to higher education. Consulting and other activities continue to make substantial contributions to both the university and society. However, current university practices create conflicts in terms of how faculty incorporate outside commitments within their overall professional activities.

An examination of two hypothetical cases will help to show that ethical problems can and do exist among practices commonly accepted by members of the academy--and that these practices are not necessarily acceptable to those outside that group.

First, let us look at a case in which a faculty member writes a textbook for the introductory course in her field at the suggestion of a well-established publisher who has agreed in advance to publish the work. Teaching assistants in the course critique chapter outlines and content, students in the class provide feedback to draft materials, and the department secretary types the drafts when she has no other departmental work to do. The faculty member spends some evenings and occasional afternoons in her office working on the book. The finished text is planned to be used in the department's introductory courses. Because this faculty member is well-known in her field, her prestige as well as that of the university assure the publisher of good sales nationally. If the textbook sells as the publisher hopes, the royalties are likely to be substantial and, under university policy, they will belong solely to the author.

Typically such an arrangement for royalties on textbooks has been viewed as satisfactory because textbook authorship is generally not counted within promotion and tenure considerations. Therefore, royalties provide one form of incentive for devoting time to the writing of textbooks. However, while it may be difficult to measure the amount of university resources used, it is clear that there is a substantial university contribution to the project. For the professor to receive the royalties from sales of the book on her own campus seems particularly inappropriate since students there were instrumental in the book's development. (A few universities have adopted the practice of refunding to students the amount of the royalty per book for books written by their faculty when these are used as required texts. In such cases, the authors do not receive royalties for on-campus sales.)

As a second example, consider the hypothetical case in which a professor of psychology is retained as a consultant to a large advertising firm. He has obtained his department chairperson's approval for this arrangement and consults one half-day a week, which is within the university limitation of one day per week. For some time this professor has directed a research project at the university on the effects of mass media on public attitude change. This research is sponsored in part by a grant from the American Cancer Society.

Clearly this professor's experience as a consultant could provide a potential opportunity to further develop his expertise and apply his research findings in the area of influencing attitude change. However, if the preceding scenario were amplified to include a large tobacco company as the advertising firm's largest client, is the professor's consulting role in conflict with his role at the university as director of this funded project?

Perhaps both affiliations are legitimate if a case can be made for the relevance of this professor's expertise to any situation in which that expertise applies (and does not conflict with legal or university codes). However, to support this argument, objectivity on the part of the professor must be ensured. From the view of those external to academic settings (and increasingly, many of those internal as well), such objectivity is questionable. This is because it appears unlikely that the objectivity of academic expertise can be maintained when it is variously supported by university funds, research grants, and especially, by consulting fees. Consulting fees in particular are viewed skeptically because they are negotiated by and paid directly to the faculty member, and it is rare that the university, much less the general public, has any knowledge of or influence on the amounts of these fees.

These examples serve to illustrate that it is not just the obvious--and less widespread--income-producing activities that arouse concern. Practices which have become widely accepted within the modern concept of the academic profession also warrant examination. The preceding cases raise two major issues important to a discussion of ethics in outside professional activities:

(1) conflicts of interest with respect to time usage and
(2) intellectual bias.

By design, academics have been afforded a large measure of self-determination in the use of time for which they receive compensation. This discretionary use of time is a part of the faculty role definition because the results of professional autonomy in the academic sphere are assumed ultimately to benefit society. However, to many observers it appears that the availability of income-producing commitments, as opposed to relevant unpaid activities, may result in faculty who choose to spend time on what pays and not necessarily on that which is of highest academic priority. Commitment to income-producing activities may lead to unconscious compromise of academic objectivity and impartiality. In the cases described, the element of personal financial profit can conceivably influence both time usage and objectivity. On other hand, if the aspects of these activities which lead to personal gain were removed, it is less likely that faculty ethics would be questioned.

This examination of ethical concerns related to faculty consulting and other professional activities for supplemental pay points up the mixed and sometimes conflicting expectations faced by the academic professional. While an entrepreneurial approach to one's profession may be understood as faculty salary increases lag behind the rise in the cost of living, the broader view of the problems created by the present faculty role definition suggests that more than individual attempts to supplement salaries are needed.

Universities, students, professional colleagues, and segments of society demand accountability for a range of professional commitments that are not equally well defined within the construct of the faculty position. The current concept of a faculty position makes provision for serving all of these clients but not in a way that prevents suspicion of conflicts of interest and loss of objectivity. If professional activities that now take place outside the university 's purview are really contributing to professional development and advancing the aims of higher education, ethical conflicts should not continue to be at issue in the fulfillment of these responsibilities. If, on the other hand, faculty members participate in outside activities that cannot be justified within a broadened concept of a university-employed academic professional, such activities should be curtailed.

The Ethical and Economic Issues Project at the University of Southern California, among others examining these problems, is seeking to develop new models for faculty appointments that could establish a better relationship between the academic professional and the various clienteles that are dependent upon academic talents. Changes are needed in order to ensure faculty behavior that is in keeping with the professional obligations appropriate to a scholar, researcher, and teacher. Such changes would have to include provision of adequate compensation for high-caliber academic professionals. Academicians do not benefit from the loss of credibility resulting from lack of current role definitions and it is likely that they could serve their various clients better if conflicting expectations for the use of their expertise were satisfactorily resolved.